

1 UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

2 -----X  
ADRIAN SCHOOLCRAFT,

3  
4 PLAINTIFF,

5 -against-

Case No:  
10 Civ. 6005  
(RWS)

6 THE CITY OF NEW YORK, DEPUTY CHIEF MICHAEL MARINO,  
7 Tax Id. 873220, Individually and in his Official  
Capacity, ASSISTANT CHIEF PATROL BOROUGH BROOKLYN  
8 NORTH GERALD NELSON, Tax Id. 912370, Individually  
and in his Official Capacity, DEPUTY INSPECTOR  
9 STEVEN MAURIELLO, Tax Id. 895117, Individually and  
in his Official Capacity, CAPTAIN THEODORE  
10 LAUTERBORN, Tax Id. 897840, Individually and in his  
Official Capacity, LIEUTENANT WILLIAM GOUGH, Tax Id.  
11 919124, Individually and in his Official Capacity,  
SGT. FREDERICK SAWYER, Shield No. 2576, Individually  
12 and in his Official Capacity, SERGEANT KURT DUNCAN,  
Shield No. 2483, Individually and in his Official  
13 Capacity, LIEUTENANT CHRISTOPHER BROSCART, Tax Id.  
915354, Individually and in his Official Capacity,  
14 LIEUTENANT TIMOTHY CAUGHEY, Tax Id. 885374,  
Individually and in his Official Capacity, SERGEANT  
15 SHANTEL JAMES, Shield No. 3004 and P.O.'s □JOHN DOE□  
#1-50, Individually and in their Official Capacity  
16 (the name John Doe being fictitious, as the true  
names are presently unknown) (collectively referred  
17 to as □NYPD defendants□), JAMAICA HOSPITAL MEDICAL  
CENTER, DR. ISAK ISAKOV, Individually and in his  
18 Official Capacity, DR. LILIAN ALDANA-BERNIER,  
Individually and in her Official Capacity and  
19 JAMAICA HOSPITAL MEDICAL CENTER EMPLOYEES □JOHN  
DOE□ #1-50, Individually and in their Official  
20 Capacity (the name John Doe being fictitious, as  
the true names are presently unknown),

21 DEFENDANTS.

22 -----X  
DATE: October 17, 2014  
23 TIME: 10:20 A.M.

24 (Deposition of JOHN ETERNO, PhD)  
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DATE: October 17, 2014

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TIME: 10:20 A.M.

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DEPOSITION of an Expert Witness,

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JOHN ETERNO, PhD, taken by the Respective Parties,

9

Pursuant to a Notice and to the Federal Rules of

10

Civil Procedure, held at the offices of the New

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York City Law Department, 100 Church Street,

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New York, New York 10007, before Nathan MacCormack,

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a Notary Public of the State of New York.

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1 A P P E A R A N C E S:

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3 LAW OFFICE OF NATHANIEL B. SMITH  
Attorney for Plaintiff  
4 ADRIAN SCHOOLCRAFT  
111 Broadway  
5 New York, New York 10006  
BY: NATHANIEL B. SMITH ESQ.

6 -and-  
JOHN LENOIR, ESQ.

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8

ZACHARY W. CARTER, ESQ.

9 CORPORATION COUNSEL  
NEW YORK CITY LAW DEPARTMENT

10 Attorneys for the Defendants  
THE CITY OF NEW YORK, DEPUTY CHIEF MICHAEL MARINO,  
11 Tax Id. 873220, Individually and in his Official  
Capacity, ASSISTANT CHIEF PATROL BOROUGH BROOKLYN  
12 NORTH GERALD NELSON, Tax Id. 912370, Individually  
and in his Official Capacity, CAPTAIN THEODORE  
13 LAUTERBORN, Tax Id. 897840, Individually and in his  
Official Capacity, LIEUTENANT WILLIAM GOUGH, Tax Id.  
14 919124, Individually and in his Official Capacity,  
SGT. FREDERICK SAWYER, Shield No. 2576, Individually  
15 and in his Official Capacity, SERGEANT KURT DUNCAN,  
Shield No. 2483, Individually and in his Official  
16 Capacity, LIEUTENANT CHRISTOPHER BROSCART, Tax Id.  
915354, Individually and in his Official Capacity,  
17 LIEUTENANT TIMOTHY CAUGHEY, Tax Id. 885374,  
Individually and in his Official Capacity, SERGEANT  
18 SHANTEL JAMES, Shield No. 3004 and P.O.'s [JOHN DOE]  
#1-50, Individually and in their Official Capacity  
19 (the name John Doe being fictitious, as the true  
names are presently unknown) (collectively referred  
20 to as [NYPD defendants])  
100 Church Street  
21 New York, New York 10007  
BY: SUZANNA PUBLICKER METTHAM, ESQ.,  
22 ASSISTANT CORPORATION COUNSEL  
-and-  
23 QIANA SMITH, ESQ.  
SENIOR CORPORATION COUNSEL  
24 File #: 2010-033074  
Control #: FFF13119

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1 A P P E A R A N C E S: (Cont'd)

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3 SCOPPETTA, SEIFF, KRETZ & ABERCROMBIE, ESQS.  
Attorneys for the Defendant  
4 STEVEN MAURIELLO  
444 Madison Avenue, 30th Floor  
5 New York, New York 10022  
By: WALTER A. KRETZ, JR., ESQ.

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7

MARTIN CLEARWATER & BELL, LLP  
8 Attorneys for Defendant  
JAMAICA HOSPITAL MEDICAL CENTER  
9 220 East 42nd Street  
New York, New York 10017  
10 By: BRIAN OSTERMAN, ESQ.  
File #: 82-82153

11

12

IVONE, DEVINE & JENSEN, LLP  
13 Attorneys for the Defendant  
DR. ISAK ISAKOV  
14 2001 Marcus Avenue, Suite N100  
Lake Success, New York 11042  
15 By: BRIAN E. LEE, ESQ.

16

17 CALLAN, KOSTER, BRADU, BRENNAN & NAGLER, LLP  
Attorneys for the Defendant  
18 DR. LILLIAN ALDANA-BERNIER  
One Whitehall Street  
19 New York, New York 10004  
By: MATTHEW J. KOSTER, ESQ.

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J. ETERNO

1 shown up at his apartment?

2 MR. SMITH: Objection to the form.

3 A. Perhaps somebody would have shown up at his  
4 apartment, but he still should not have been an E.D.P.

5 MR. KOSTER: I don't think I have anything  
6 else.

7 FURTHER EXAMINATION

8 BY MR. KRETZ:

9 Q. The appearance you made on This American Life, I  
10 haven't listened to that in some time, but can you tell me  
11 what opinions you expressed at that time on that program?

12 A. I think I just said one or two lines. I don't  
13 recall exactly what those lines were.

14 MR. KRETZ: Thank you.

15 FURTHER EXAMINATION

16 BY MR. LEE:

17 Q. Sir, when you were a police officer, there were  
18 occasions when you declared someone an E.D.P.?

19 A. Yes.

20 Q. And did you accompany that person to the  
21 hospital?

22 A. Yes. There were times we did, yes.

23 Q. Did you ever tell the hospital that, based on  
24 what you were telling them, they had to admit a patient?

25 A. No. We never told the hospital what to do and

J. ETERNO

1     how to do it.

2           Q.     But you did expect they would rely on the history  
3     that you provided as one part of their overall evaluation  
4     of that person, correct?

5           A.     Of course.

6                     MR. LEE: Thank you.

7                     MS. PUBLICKER METTHAM: The time is 6:46.

8                     (Whereupon, at 6:46 P.M., the Examination of  
9     this Witness was concluded.)

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\_\_\_\_\_  
JOHN ETERNO, PhD

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14     Subscribed and sworn to before me

15     this \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

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NOTARY PUBLIC

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